



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

400 Seventh St., S.W.  
Washington, D.C. 20590

AUG - 9 2001

Mr. Brian McCarthy  
Administrator, Shipping and Transportation  
Epichem Incorporated  
P.O. Box 8230  
Haverhill, MA 01835

Ref. No. 01-0149

Dear Mr. McCarthy:

This responds to your June 7, 2001 letter requesting clarification of shipments of Division 6.1 poison materials with foodstuffs under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically you ask if your packaging meets the exception provided by § 173.25(c) for poisonous materials that may be transported in the same motor vehicle with foodstuffs.

The answer is no. Your exemption specifies that your material must be packaged in a UN 1A2 drum. The drum is thus the packaging, and not an overpack. You state that you overpack your drum in a UN 4G box. The provisions of § 173.25(c) require that the packaging must be overpacked in a UN 1A2, 1B2, or 1N2 drum tested and marked for a Packing Group II or higher performance level.

I trust this satisfies your request. If we can be of further assistance, please contact us.

Sincerely,



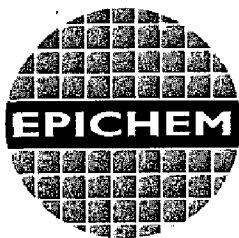
John A. Gale

Transportation Regulations Specialist  
Office of Hazardous Materials Standards



01-0149

173.25



Nelson  
§ 177.841(e)(1)  
§ 173.25  
01-0149

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Attention: Mr. Edward T. Mazzullo

June 7, 2001

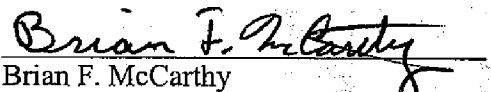
Dear Mr. Mazzullo,

I would like to receive a letter of interpretation in regards to our shipments of 6.1 poison materials meeting the stowage exception in relation to food stuffs as noted by 177.841 (e)(1) and the overpack requirement as described by 173.25 (c).

Our shipments are always packaged in accordance with DOT-E 10048, and exceed it's requirements by the use of the inner receptacle (cylinder) being placed into two heat sealed plastic bags and the UN1A2 "X" drum being overpacked within a UN4G box. Additionally all our packaging is periodically tested to meet 49 CFR Parts 173 and 178 Subpart E, Materials Poisonous By Inhalation; Division 6.1, Packing Group I, Hazard Zone A; Section 173.226(c).

I am enclosing a copy of exemption DOT-E, pictures of the packaging for your reference, and a copy of the DOT/UN packaging certification. Should you need any further information or have any questions or comments please call me at 978-374-5200 ext. 234.

Thank you,

  
Brian F. McCarthy  
Administrator Shipping / Transportation

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